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**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
MONTGOMERY DIVISION**

CINTAS CORPORATION, a Washington
Corporation,

Case No. 2:06-CV-227

Petitioner,

vs.

Randall M. Cornelius, Cody A. Hammons,
Lamont Johnson, Robert Joiner, Ben Moye
Jr., Barney Parson III, Robe Simmons,
Clayton Robert Smith, Antwan Terrell,
individuals,

Respondents.

**STIPULATION AND ORDER RE:
(1) SERVICE OF PROCESS, AND
(2) STAYING FURTHER PROCEEDINGS
PENDING DECISION ON MOTION
BEFORE THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION TO
TRANSFER AND CONSOLIDATE
UNDER 28 U.S.C. §1407**

1 WHEREAS, Cintas Corporation (“Cintas”) initiated this Petition proceeding in this Court
 2 by filing its Petition for Order Directing Arbitration to Proceed in the Manner Provided for in
 3 Written Agreement for Arbitration, in Accordance with the Terms of the Agreement, Pursuant to
 4 9 U.S.C. §4 (“this Petition proceeding”);
 5

6 WHEREAS, the Respondents in this Petition proceeding, whom the undersigned
 7 Respondents’ counsel hereby confirm they represent, are individuals who filed Consent-to-Sue
 8 forms pursuant to the Fair Labor Standards Act, 29 U.S.C. Section 216(b), in the action entitled
 9 *Veliz et al. v. Cintas Corporation*, Case No. C 03-1180 SBA (N.D. Cal.) (the “*Veliz* Litigation”);
 10

11 WHEREAS, *Veliz* Plaintiffs’ Counsel have filed with the Judicial Panel on Multidistrict
 12 Litigation (“JPML”) the *Veliz* Plaintiffs’ Motion to Transfer and Consolidate Pursuant to 28
 13 U.S.C. §1407 (“MDL Motion”), which motion Cintas opposes;
 14

15 WHEREAS, the MDL Motion seeks to transfer and consolidate this proceeding with 69
 16 other Petition proceedings initiated by Cintas in other federal district courts, for pretrial
 17 proceedings before the United States District Court for the Northern District of California;
 18

19 WHEREAS, each of the respective parties’ agreement to each and all of the matters herein
 20 is conditioned upon the Court’s approval, by entry of the Order stipulated to herein, of this entire
 21 Stipulation and Order as written;
 22

23 NOW, THEREFORE, the parties hereto, by and through their respective undersigned
 24 counsel, hereby stipulate to an Order as follows:
 25

- 26 1. No part of this Stipulation and Order is effective unless the Court accepts every
 27 part of it as written, by entering the Order as set forth herein.
 28
- 29 2. Upon the effective date of this Stipulation and Order and delivery to one of
 30 Respondents’ undersigned counsel of all documents required to be served upon
 31 Respondents in connection with this Petition proceeding (which delivery may

STIPULATION AND ORDER

1 occur either before or after the effective date of this Stipulation and Order), service
2 of the Summons issued by this Court in connection with this Petition proceeding
3 and service of the Petition and all other documents required to be served upon
4 Respondents in this proceeding as of the date the undersigned counsel signed this
5 Stipulation and Order are deemed complete by virtue of the acceptance by
6 Respondents' undersigned counsel of service on their behalf, pursuant to Fed. R.
7 Civ. P. 4(e)(2), which acceptance is hereby acknowledged. Entry of the Order by
8 the Court on this Stipulation and Order shall constitute the Proof of Service as to
9 each Respondent as to whom Cintas has not already filed a Proof of Service.

10

- 11 3. By no later than the effective date of this Stipulation and Order, Cintas will cease
12 efforts to serve process directly upon Respondents in this Petition proceeding.
- 13 4. From the effective date of this Stipulation and Order, this Petition proceeding shall
14 be stayed, except as otherwise provided in this Stipulation and Order, until 30 days
15 after the JPML issues its decision on the pending MDL Motion; provided,
16 however, that if the MDL Motion is granted, nothing herein shall operate as any
17 stay in any transferee Court to which this Petition proceeding may be transferred
18 by order of the JPML.
- 19 5. The stay issued pursuant to this Stipulation and Order does not apply to the filing
20 and entry of any Request for Dismissal as to any Respondent, so that if a
21 resolution of claims occurs as between Cintas and a Respondent, the entry of
22 dismissal of such a Respondent from this Petition proceeding will not be stayed.
- 23 6. This Stipulation and Order may be executed in separate counterparts by each of the
24 parties hereto, and such executed counterparts may be exchanged by facsimile or

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1 electronically, but all such counterparts taken together shall form but one and the
2 same Stipulation and Order.

3 7. The date that this Stipulation and Order shall become effective is the date the
4 Order on it is entered by the Court and filed on the Court's electronic filing
5 system.

6
7
8 Dated: May 8, 2006

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25
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27
28 Dated: May 8, 2006

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2 ALTSHULER, BERZON, NUSSBAUM,
3 RUBIN & DEMAIN
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13 By: _____
14 Theresa M. Traber
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16 ATTORNEYS FOR RESPONDENTS
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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
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CINTAS CORPORATION, a Washington Corporation,

Case No. 2:06-CV-227

Petitioner,

vs.

ORDER

Randall M. Cornelius, Cody A. Hammons, Lamont Johnson, Robert Joiner, Ben Moye Jr., Barney Parson III, Robe Simmons, Clayton Robert Smith, Antwan Terrell, individuals,

Respondents.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: May , 2006

United States District Judge